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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,322	06/09/2006	Marcello Pellicciari	P71316US0	4951
136 7590 05/31/2007 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			EXAMINER SMITH, RICHARD A	
			ART UNIT 2859	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,322	Applicant(s) PELLICCIARI, MARCELLO	
	Examiner R. Alexander Smith	Art Unit 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 34-66 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20070329</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application is in condition for allowance except for the following formal matters.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Drawings

1. Figures 6a and 6b should be designated by a legend such as --Prior Art-- or --Related Art-- because only that which is old is illustrated.

See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities. Appropriate correction is required.

Page 14: In lines 27-31, both the chamber and the seal are labeled as "14". It appears that the chamber is correctly labeled as 14.

Page 22: In line 13, "wit" should be --with--.

Claim 59 and the summary section of the specification briefly mention "the camera"; however it is not discussed in the detailed specification, it is not shown in the drawings, and it does not have a number. What is the purpose of this camera? Why does a pressure surveying device need a camera?

Claim Objections

3. Claims 34-66 are objected to because of the following informalities:

The claims are replete with antecedent basis and grammatical problems. The examiner requests that the applicant review the claims for other errors that the examiner may have missed.

Claim 34:

- (a) The colon in line 13 should be a semi-colon.
- (b) "a first a first" in line 22 should be --a first--.
- (c) "a pre-established threshold value" in line 28 appears related to that in line 22.
- (d) "a rigid member" in line 42 appears related to that in line 14.
- (e) "o" in line 46 is incorrect.
- (f) "close" in line 57 should be --closes--.

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Claim 35: Is "a first position distal" in line 6 related to "a first distal position" in claim 34 line 9?

Claim 36:

- (a) Does not "a first movable diaphragm" have an antecedent in "a deforming element" disclosed in claim 34 line 40?
- (b) "a rigid member" in line 2 appears related to that in claim 34 line 14.

Claim 37:

- (a) "and of elastic elements" in line 5 is grammatically confusing.
- (b) The last two lines are grammatically and idiomatically incorrect.

Claim 40: Is not "a first support" in line 3 related to "a support" in claim 34 line 50?

Claim 41:

- (a) "the valve with three ways and two positions" lacks antecedent basis with respect to claim 34.
- (b) "the self closing diaphragm" spanning lines 2-3 lacks antecedent basis.
- (c) Is "the self closing diaphragm" related to "self closing means" introduced in claim 34 line 12?

Claim 42: "the valve with three ways and two positions" lacks antecedent basis with respect to claim 34.

Claim 43: "valued" in line 7 should be --values--.

Claim 44:

- (a) "said other sensors" lacks antecedent basis with respect to claim 34.
- (b) "the second movable diaphragm" lacks antecedent basis with respect to claim 34.

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Claim 45:

- (a) "the second movable diaphragm" in line 2 lacks antecedent basis.
- (b) "the basis" in line 4 lacks antecedent basis.

Claim 46 appears to be grammatically incorrect.

Claim 47:

- (a) "sensor" in line 2 should be --sensors--.
- (b) "reference" in line 3 should be --referencing-- lacks antecedent basis.

Claim 48:

- (a) "the self closing diaphragm" in line 3 lacks antecedent basis.
- (b) Is "the self closing diaphragm" related to "self closing means" introduced in claim 34 line 12?
- (c) "the valve with three ways and two positions" spanning lines 3-4 lacks antecedent basis with respect to claim 34.
- (d) "the cavity " in the last two lines lacks antecedent basis.

Claim 49: "the communication", "the valve with three ways and two positions", "the second condition", "the hollow rod", "the surface" and "the surface of the diaphragm", and "the cavity" each lack antecedent basis.

Claim 51: "the counter spring" lacks antecedent basis.

Claim 52:

- (a) "the first movable diaphragm" in the last line lacks antecedent basis.
- (b) Is "the first movable diaphragm" related to "a deforming element " introduced in claim 34 line 40?

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Claim 53:

- (a) Given "a second Belleville washer is also provided", where has the first been introduced?
- (b) "the first slider" lacks antecedent basis.

Claim 54:

- (a) "for fastening the device on the end" is grammatically incorrect.
- (b) Claim 54 states "a first portion is fixed" and "a second portion is movable"; however when reference in the other claims, the references do not refer to the first portion and the second portion but to "the fixed portion" and "the movable portion". Therefore the examiner requests that the nomenclature be changed accordingly.

Claim 57: "the movable portion", "the body", "the hollow sleeve" and "the fixed portion" each lack antecedent basis.

Claim 58: "the internal wall", "the peripheral wall", "the hollow sleeve" and "the fixed portion" lack antecedent basis.

Claim 59:

- (a) "the counter spring", "the hollow sleeve", "the duct", "the first support" and "the camera" each lack antecedent basis.
- (b) Is not "the first support" in line 3 related to "a support" in claim 34 line 50?
- (c) Please see the specification objection above with respect to "the camera".

Claim 60:

- (a) "the second slider", "the third slider" and "a sole fourth slider" do not appear to properly refer to their antecedents introduced in claim 45.
- (b) "the basis" lacks antecedent basis.

Claims 61-65 each have antecedent basis problems similar to those as already discussed above. Please note claim 65 and "a1 first support" and its potential antecedent in claim 34 line 50.

Claim 66:

- (a) "the plate", "the seal", "the gasket" and "the chamber" each lack antecedent basis.
- (b) "for separating the chamber from the chamber" is confusing because it is unclear as to how a chamber can be separated from itself.

Allowable Subject Matter

4. Claim 34 would be allowable if rewritten to overcome the claim objections set forth in this Office Action.

5. Claims 35-66 would be allowable if rewritten to overcome the claim objections set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

6. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

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7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art cited in PTO-892 and not mentioned above disclose related devices.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Alexander Smith whose telephone number is 571-272-2251. The examiner can normally be reached on Monday through Friday from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'R. Alexander Smith', with a long horizontal flourish extending to the right.

R. Alexander Smith
Primary Examiner
Technology Center 2800

RAS
May 29, 2007